

RALPH J. MARRA, JR.
Acting United States Attorney
By: Michael H. Robertson
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970 Broad Street, 7th Floor
Newark, New Jersey 07102

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA, : Hon. Peter G. Sheridan
v. : Criminal No.: 07-cr-655 (PGS)
TROY LEAKE : CONSENT JUDGMENT
: AND PRELIMINARY
: ORDER OF FORFEITURE

This matter having been opened to the Court by Ralph J. Marra, Jr., Acting United States Attorney for the District of New Jersey, (Assistant United States Attorney Michael H. Robertson, appearing), for the entry of a consent judgment and preliminary order of forfeiture, and defendant Troy Leake (Candace Hom, Esq., appearing) having consented to the request; and the Court having found that:

WHEREAS, on June 3, 2009, the defendant was convicted after a jury trial of violating 18 U.S.C. § 922(g)(1) and the defendant, pursuant to 18 U.S.C. § 924(d)(1) and 28 U.S.C. § 2461(c), has agreed to forfeit to the United States the following property: one Smith & Wesson .38 caliber revolver bearing serial

number BSP2919; one Ruger .357 Magnum revolver bearing restored serial number 572-57528; eight .38 caliber bullets; and two Winchester .357 Magnum, hollow-point bullets (hereinafter "the Forfeited Firearms and Ammunition"); and

WHEREAS, defendant, Troy Leake, has specifically acknowledged notice of the criminal forfeiture, consented to the entry of a Consent Judgment and Preliminary Order of Forfeiture, and waived his right to be present and heard on the timing and form of this order pursuant to Federal Rules of Criminal Procedure 32.2(a) and 43(a); and

WHEREAS, defendant, Troy Leake, has agreed not to contest the forfeiture of the above referenced property;

WHEREAS, by virtue of the above, the United States is now entitled to possession of the Forfeited Property pursuant to 18 U.S.C. § 924(d)(1), 28 U.S.C. § 2461(c) and Rule 32.2 of the Federal Rules of Criminal Procedure; and

WHEREAS, defendant Troy Leake has waived and abandoned all right, title and interest in the Forfeited Firearms and Ammunition; and defendant Troy Leake has further waived, released and withdrawn any claim that defendant may have made with respect to the Forfeited Firearms and Ammunition, and waived and released any claim that defendant might otherwise have made to that property in the future; and

WHEREAS, defendant Troy Leake having consented to the destruction of the Forfeited Firearms and Ammunition; and for good and sufficient cause shown;

It is hereby ORDERED, ADJUDGED AND DECREED:

1. That the Forfeited Property, specifically: one Smith & Wesson .38 caliber revolver bearing serial number BSP2919; one Ruger .357 Magnum revolver bearing restored serial number 572-57528; eight .38 caliber bullets; and two Winchester .357 Magnum, hollow-point bullets is to be held by any authorized agency of the United States in its secure custody and control;

2. That pursuant to applicable law the United States forthwith shall publish at least once for three successive weeks in a newspaper of general circulation, notice of this Order, notice of the United States' intent to dispose of the Forfeited Property in such manner as the Attorney General may direct and notice that any person, other than the defendant, having or claiming a legal interest in the Forfeited Property must file a petition with the court within thirty (30) days of the final publication of notice or of receipt of actual notice, whichever is earlier;

3. That this notice: (a) shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Forfeited Property; (b) shall be signed by the petitioner under penalty of perjury, and

(c) shall set forth the nature and extent of the petitioner's right or interest in the Forfeited Property and any additional facts supporting the petitioner's claim and the relief sought;

4. That the United States may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the Forfeited Property that is the subject of this Consent Judgment and Preliminary Order of Forfeiture, as a substitute for published notice as to those persons so notified; and

5. That upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture authorizing the United States to destroy the Forfeited Firearms and Ammunition.

ORDERED this 5th day of ~~September~~^{October}, 2009.

Peter G. Sheridan

HONORABLE PETER G. SHERIDAN
United States District Judge

RALPH J. MARRA, JR.
ACTING UNITED STATES ATTORNEY

M. H. Robertson
By: MICHAEL H. ROBERTSON

Assistant U.S. Attorney

10/05/09
Dated

Candace Home
CANDACE HOME, Esq.
Counsel for the Defendant

10-5-09
Dated

Troy Leake
TROY LEAKE
Defendant

10-5-09
Dated